

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TONY ROQUE, a Washington resident

Plaintiff,

vs.

SEATTLE HOUSING AUTHORITY, a public  
entity,

Defendant.

**NO. 2:20-cv-658**

DECLARATION OF BONNIE FONG IN  
SUPPORT OF NOTICE OF  
NONCOMPLIANCE WITH TRO AND  
REQUEST FOR HEARING

I, BONNIE FONG, hereby declare as follows,

1. I am over the age of 18 and competent to testify on the matters stated herein.
2. I declare the following information:
3. I am one of the attorneys representing Plaintiff Tony Roque in the above captioned matter.
4. On May 4, 2020, the Court granted an Order for a Temporary Restraining Order, which required SHA to provide Mr. Roque's care provider and visiting nurses "with full and unrestricted access to park in the Raven Terrace parking garage..." *See Dkt. #14*, at 5. On June 2, 2020, the Court filed an Order modifying the temporary restraining order in order to require "Defendant to provide Mr. Roque with one reserved parking spot, to be shared by Mr. Roque's caregivers." *See Dkt. #29*, at 2.

1           5.       SHA did not comply with the court's modified order at all until the afternoon of  
2 June 4, 2020, when it taped a piece of paper to the wall with the words "Reserved Parking" on it  
3 to indicate Mr. Roque's "reserved" space. *Exhibit A*. Exhibit A is a true and correct copy of an  
4 email from property manager Davina O'Connor on June 4, 2020.

5           6.       In the days since, Mr. Roque's caregivers have been unable to use Mr. Roque's  
6 reserved space on at least seven occasions, because it was occupied by other vehicles. His  
7 caregivers have thus been forced to spend time and effort looking for parking elsewhere, and at  
8 times, they have been forced to park a significant distance away from Mr. Roque's apartment.  
9 Despite multiple requests from counsel—described in more detail below—SHA has failed and  
10 refused to ticket or tow these cars, to place appropriate signage in the spot, or take any action to  
11 ensure that Mr. Roque's reserved space is actually available for his caregivers' use.

12           7.       On June 9, 2020, a grey Honda CRV was parked in Mr. Roque's reserved spot. I  
13 emailed SHA's attorney, Ms. Tift, and the property manager to request SHA tow the CRV.  
14 *Exhibit B*. Exhibit B is a true and accurate copy of an email I sent to counsel for SHA, Ms.  
15 Leigh Ann Tift, and Ms. O'Connor on June 9, 2020. Ms. Tift declined to tow the car, citing a  
16 policy by which any improperly-parked vehicle received a warning before being towed. *Exhibit*  
17 *C*. Exhibit C is a true and accurate copy of Ms. Tift's response.

18           8.       On June 10, 2020, a gold Honda Accord was parked in Mr. Roque's reserved  
19 spot. *Exhibit D*. Mr. Roque's counsel again emailed Ms. Tift, to formally request an exception  
20 to SHA's "warn first" policy, and immediate placement of a sign indicating that Mr. Roque's  
21 spot was reserved and that violators would be towed. *Id.* I also included an example of  
22 the sort of sign they would find acceptable. *Id.* Ms. Tift again declined to tow the car. *Id.*

1 Exhibit D is a true and accurate copy of the email exchange between me and Ms. Tift on June 10,  
2 2020.

3 9. On June 11, 2020, a black Toyota was parked in Mr. Roque's spot and on June  
4 12, a yellow/green Toyota was parked in Mr. Roque's spot. *Exhibit E*. I again notified Ms. Tift,  
5 who replied that the offices were closed and that nothing would be done until Monday. *Id.*  
6 Exhibit E is a true and accurate copy of the email exchange between me and Ms. Tift on June 12,  
7 2020.

8 10. On June 14, 2020, the same yellow/green Toyota was parked in Mr. Roque's spot-  
9 now for three nights in a row. *Exhibit F*. Exhibit F is a true and accurate copy of an email from  
10 Plaintiff Tony Roque on June 13, 2020.

11 11. On June 15, 2020, I reached out to Ms. Tift to reiterate Mr. Roque's inability to  
12 park in his reserved spot over the weekend and to attempt to find a meaningful solution to Mr.  
13 Roque's lack of access to his reserved spot. *Exhibit G*. I noted that had SHA warned the  
14 yellow/green car first per SHA's warn-first policy, SHA would have been able to tow the car. *Id.*  
15 Ms. Tift did not respond. Exhibit G is a true and accurate copy of an email I sent to Ms. Tift on  
16 June 15, 2020.

17 12. On the evening of June 15, 2020, a grey Toyota was parked in Mr. Roque's spot.  
18 *Exhibit H*. I notified Ms. Tift on June 16, 2020 to again attempt to find a solution to Mr. Roque's  
19 lack of access to his reserved spot. *Exhibit H*. Ms. Tift responded that SHA "[does not] have the  
20 people available to monitor parking in this garage." Exhibit H is a true and accurate copy of the  
21 email exchange between me and Ms. Tift on June 16, 2020.  
22  
23

1 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
2 knowledge, information, and belief.

3  
4 Dated this 16<sup>th</sup> day of June, 2020.

5 /s/ Bonnie Fong

6 Bonnie Fong  
7 Attorney for Plaintiff  
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## Exhibit A



Bonnie Fong &lt;bonnie@wacda.com&gt;

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## Reserved Space Sign

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**O'Connor, Davina** <Davina.OConnor@seattlehousing.org>

Thu, Jun 4, 2020 at 12:53 PM

To: Tony Roque &lt;roqtony@gmail.com&gt;

Cc: Bonnie Fong &lt;bonnie@wacda.com&gt;, "Tift, Leigh Ann" &lt;LeighAnn.Tift@seattlehousing.org&gt;, Conrad Reynoldson &lt;conrad@wacda.com&gt;

Hello Tony,

Please see photo attached of space 25 in the Raven Garage which has been reserved. Please share with your care providers so they will know what to look for.

If there are any issues please let us know.

Davina O'Connor

Property Manager

(206)223-3758

[davina.oconnor@seattlehousing.org](mailto:davina.oconnor@seattlehousing.org)



**From:** Bonnie Fong <bonnie@wacda.com>

**Sent:** Wednesday, June 3, 2020 1:31 PM

**To:** Tift, Leigh Ann <LeighAnn.Tift@seattlehousing.org>; O'Connor, Davina <Davina.OConnor@seattlehousing.org>; Conrad Reynoldson <conrad@wacda.com>

**Subject:** Reserved Space Sign

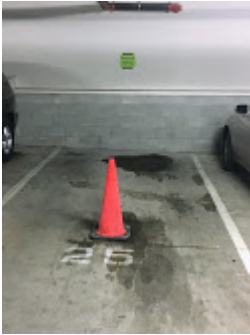
[External Sender]

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Hi Davina,

[Quoted text hidden]

**ATTENTION: Due to the coronavirus outbreak, the Seattle Housing Authority has closed all of its offices to in-person visitors until further notice. We remain committed to serving our clients and partners by phone, email and our website. Learn more at [seattlehousing.org](http://seattlehousing.org)**



tony parking 2 060420.JPG  
81K







## Exhibit B



Bonnie Fong &lt;bonnie@wacda.com&gt;

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**Roque v. SHA - URGENT - Car in Tony's Spot**

---

**Bonnie Fong** <bonnie@wacda.com>

Tue, Jun 9, 2020 at 11:35 AM

To: "Tift, Leigh Ann" &lt;leighann.tift@seattlehousing.org&gt;, "O'Connor, Davina" &lt;Davina.OConnor@seattlehousing.org&gt;, Conrad Reynoldson &lt;conrad@wacda.com&gt;, Tony Roque &lt;roqtony@gmail.com&gt;

Hi again Leigh Ann and Davina,

Here is a picture of the car in Tony's spot.

-Bonnie

On Tue, Jun 9, 2020 at 11:09 AM Bonnie Fong &lt;bonnie@wacda.com&gt; wrote:

Good morning Leigh Ann and Davina,

There is a car parked in Tony's reserved spot and his care providers are unable to park in the parking garage.

Can you remove the car from Tony's reserved spot, please? Please let me know. Thank you very much for your attention to this matter.

Sincerely,  
Bonnie Fong

--

Bonnie Fong, Attorney at Law  
Washington Civil & Disability Advocate  
[www.wacda.com](http://www.wacda.com)  
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Seattle, WA 98105  
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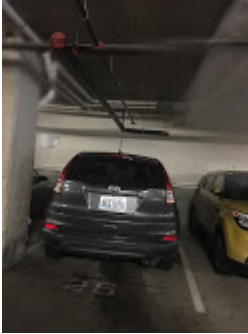
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**IMG-20200609-WA0001.jpg**

58K



## Exhibit C



Bonnie Fong &lt;bonnie@wacda.com&gt;

---

**Roque v. SHA - URGENT - Car in Tony's Spot**

---

**Tift, Leigh Ann** <LeighAnn.Tift@seattlehousing.org>

Tue, Jun 9, 2020 at 1:15 PM

To: Bonnie Fong &lt;bonnie@wacda.com&gt;, "O'Connor, Davina" &lt;Davina.OConnor@seattlehousing.org&gt;, Conrad Reynoldson &lt;conrad@wacda.com&gt;, Tony Roque &lt;roqtony@gmail.com&gt;

Bonnie, sorry to hear about the problem in the garage. We have workplace protocols that limit the number of people in the office, so today, Davina is the only property management person available at Raven Terrace. We can place a warning on the car this afternoon, but we do not tow resident cars as a first response. If there is another space in the garage, Mr. Roque's caregiver can park in it.

**From:** Bonnie Fong <bonnie@wacda.com>**Sent:** Tuesday, June 9, 2020 11:10 AM**To:** Tift, Leigh Ann <LeighAnn.Tift@seattlehousing.org>; O'Connor, Davina <Davina.OConnor@seattlehousing.org>; Conrad Reynoldson <conrad@wacda.com>; Tony Roque <roqtony@gmail.com>**Subject:** Roque v. SHA - URGENT - Car in Tony's Spot

---

**[External Sender]**

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Good morning Leigh Ann and Davina,

There is a car parked in Tony's reserved spot and his care providers are unable to park in the parking garage.

Can you remove the car from Tony's reserved spot, please? Please let me know. Thank you very much for your attention to this matter.

Sincerely,

Bonnie Fong

--

Bonnie Fong, Attorney at Law

Washington Civil & Disability Advocate

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Seattle, WA 98105

Office (206) 428-3558

6/15/2020

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Washington Civil & Disability Advocate Mail - Recipient: SHA-1669053815516393471

Direct (206) 455-6430

Fax (206) 962-5826

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## Exhibit D



Bonnie Fong &lt;bonnie@wacda.com&gt;

---

**Roque v. SHA - Car in Tony's Spot - Second Occurrence**

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**Tift, Leigh Ann** <LeighAnn.Tift@seattlehousing.org>

Thu, Jun 11, 2020 at 11:21 AM

To: Bonnie Fong &lt;bonnie@wacda.com&gt;, Conrad Reynoldson &lt;conrad@wacda.com&gt;

Bonnie, we believe that changing parking procedures so that residents are automatically towed is a significant change in building operations, and the expectations of residents. A decision from the ADA committee is imminent, and the issues you've raised with respect to enforcement will be considered.

**From:** Bonnie Fong <bonnie@wacda.com>**Sent:** Wednesday, June 10, 2020 3:53 PM**To:** Tift, Leigh Ann <LeighAnn.Tift@seattlehousing.org>; Conrad Reynoldson <conrad@wacda.com>**Subject:** Roque v. SHA - Car in Tony's Spot - Second Occurrence**[External Sender]**

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Hi Leigh Ann,

Tony has informed me that last night and today there has been yet another car parked in his reserved space: this time, a gold Honda Accord (license # 810-VBV). This is the second time in 24 hours that Tony's attendants have been unable to use his reserved spot.

We are concerned that SHA is not taking adequate steps to ensure that this spot is actually available for Mr. Roque's use, thus effectively undermining both the accommodation itself, and the Court's TRO. With this in mind, we'd like to formally request an exception to SHA's "warn first" policy, and immediate placement of a sign indicating that this is a reserved spot and that violators WILL be towed. An example of the sort of sign we would find acceptable is pasted below.

Our hope is that such a sign will be enough to deter other residents from parking in Mr. Roque's reserved space. If it is not, we will need to put our heads together to figure out what else is necessary.

Thank you for your attention to this matter, Leigh Ann; we look forward to your response.

Sincerely,  
Bonnie Fong



--

Bonnie Fong, Attorney at Law

Washington Civil & Disability Advocate

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## Exhibit E



Bonnie Fong &lt;bonnie@wacda.com&gt;

---

**Roque v. SHA - Car in Tony's Spot - Third and Fourth Occurrence**

---

**Tift, Leigh Ann** <LeighAnn.Tift@seattlehousing.org>

Fri, Jun 12, 2020 at 2:29 PM

To: Bonnie Fong &lt;bonnie@wacda.com&gt;, Conrad Reynoldson &lt;conrad@wacda.com&gt;

Our offices are closed this afternoon so people can attend the rally. I will check with property management on Monday.

Get [Outlook for iOS](#)

---

**From:** Bonnie Fong <bonnie@wacda.com>**Sent:** Friday, June 12, 2020 12:03:25 PM**To:** Tift, Leigh Ann <LeighAnn.Tift@seattlehousing.org>; Conrad Reynoldson <conrad@wacda.com>**Subject:** Roque v. SHA - Car in Tony's Spot - Third and Fourth Occurrence**[External Sender]**

---

Hi Leigh Ann,

Two more cars have parked in Tony's spot yesterday. The first was a black toyota license # BFP6462. The second, which has been there all night, is a yellow/green toyota license # ARZ3963. See pictures attached. Tony's care providers have not been able to park in his reserved spot.

We'd like to figure out who is parking in Tony's spot so we can resolve this issue. Since SHA requires drivers to report their license numbers to SHA in order to park in the parking garage, can you please look at SHA records to determine if employees or residents are parking in Tony's spot?

Thank you in advance for your cooperation, Leigh Ann.

Sincerely,  
Bonnie Fong

--

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## Exhibit F





Bonnie Fong &lt;bonnie@wacda.com&gt;

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## Night parking

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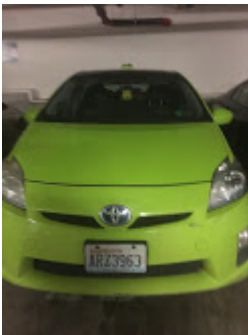
**Tony Roque** <roqtony@gmail.com>

Sat, Jun 13, 2020 at 9:16 AM

To: BONNIE FONG &lt;bonnie@wacda.com&gt;, CONRAD REYNOLDSON &lt;Conrad@wacda.com&gt;

Good morning,

Rosalina wasn't able to find parking in the garage and had to park on the street last night. the same yellow car was parked there again last night in the reserve spot. This is now the third time now!

**IMG-20200612-WA0013.jpg**

54K



## Exhibit G



Bonnie Fong &lt;bonnie@wacda.com&gt;

---

**Roque v. SHA - Car in Tony's Spot - Third and Fourth Occurrence**

---

**Bonnie Fong** <bonnie@wacda.com>

Mon, Jun 15, 2020 at 10:55 AM

To: Conrad Reynoldson &lt;conrad@wacda.com&gt;

Cc: "Tift, Leigh Ann" &lt;LeighAnn.Tift@seattlehousing.org&gt;

Hi Leigh Ann,

Over the weekend Tony was not able to park in his reserved parking space again. The yellow/green car was parked in his spot for over two days. Thus Tony did not have access to his spot during that time. According to SHA's policy of tagging then towing an unauthorized car, the yellow/green car should have been towed. Indeed, Tony's caregiver's car was towed by SHA in less time.

I am reaching out to you one last time to figure out a meaningful solution to Tony's reserved space issue. We need to get to the bottom of who is parking in Tony's spot and why. If it is an employee, then SHA staff needs to be notified of Tony's reserved spot. If it is a resident then the sign needs to be more conspicuous.

Please advise.

Sincerely,  
Bonnie Fong

On Fri, Jun 12, 2020 at 6:36 PM Conrad Reynoldson &lt;conrad@wacda.com&gt; wrote:

Good evening Leigh Ann,

We would like to reemphasize that the lack of parking enforcement of the assigned parking space makes the accommodation and thus the TRO effectively meaningless. If other individuals continue to park in the assigned parking space over the weekend and we cannot find a solution together by Monday then we will have no choice but to involve the court. This cannot wait. Our client's life depends on his caregivers being able to care for him. Given the continuing protests in the area street parking is even less available than usual so unavailability of the assigned parking space is even more disruptive.

Thank you,  
-Conrad

On Fri, Jun 12, 2020 at 2:29 PM Tift, Leigh Ann &lt;LeighAnn.Tift@seattlehousing.org&gt; wrote:

Our offices are closed this afternoon so people can attend the rally. I will check with property management on Monday.

Get [Outlook for iOS](#)

---

**From:** Bonnie Fong <bonnie@wacda.com>**Sent:** Friday, June 12, 2020 12:03:25 PM**To:** Tift, Leigh Ann <LeighAnn.Tift@seattlehousing.org>; Conrad Reynoldson <conrad@wacda.com>**Subject:** Roque v. SHA - Car in Tony's Spot - Third and Fourth Occurrence**[External Sender]**

---

Hi Leigh Ann,

Two more cars have parked in Tony's spot yesterday. The first was a black toyota license # BFP6462. The second, which has been there all night, is a yellow/green toyota license # ARZ3963. See pictures attached. Tony's care providers have not been able to park in his reserved spot.

We'd like to figure out who is parking in Tony's spot so we can resolve this issue. Since SHA requires drivers to report their license numbers to SHA in order to park in the parking garage, can you please look at SHA records to determine if employees or residents are parking in Tony's spot?

Thank you in advance for your cooperation, Leigh Ann.

Sincerely,  
Bonnie Fong

--

Bonnie Fong, Attorney at Law

Washington Civil &amp; Disability Advocate

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--

Conrad Reynoldson, Attorney at Law  
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## Exhibit H



Bonnie Fong &lt;bonnie@wacda.com&gt;

---

**Roque v. SHA - Car in Tony's Spot 6/15/2020**

---

**Bonnie Fong** <bonnie@wacda.com>

Tue, Jun 16, 2020 at 12:57 PM

To: "Tift, Leigh Ann" &lt;LeighAnn.Tift@seattlehousing.org&gt;

Cc: Conrad Reynoldson &lt;conrad@wacda.com&gt;

Hi Leigh Ann,

If you do not enforce the reserved parking, you're not providing a reserved spot as the Court ordered. At a minimum, you certainly have the people available to post an adequate sign, or call a tow truck when we notify you that there is someone unauthorized in the spot. However, at this point you are refusing to do anything at all, including looking into who is parking in Tony's spot.

Sincerely,

Bonnie Fong

On Tue, Jun 16, 2020 at 11:18 AM Tift, Leigh Ann &lt;LeighAnn.Tift@seattlehousing.org&gt; wrote:

Bonnie, we don't have anyone from property management at this property after business hours, and during business hours (due to COVID) we have 1/3 the number that are usually there—because we have to limit the number of people who are in the office for social distancing. We don't have the people available to monitor parking in this garage.

**From:** Bonnie Fong <bonnie@wacda.com>**Sent:** Tuesday, June 16, 2020 11:08 AM**To:** Tift, Leigh Ann <LeighAnn.Tift@seattlehousing.org>; Conrad Reynoldson <conrad@wacda.com>**Subject:** Roque v. SHA - Car in Tony's Spot 6/15/2020**[External Sender]**

---

Leigh Ann,

A grey toyota was parked again in Tony's spot all last night. See photo attached.

Can we please work together to find a solution to this problem?

Sincerely,

Bonnie Fong





--

Bonnie Fong, Attorney at Law

Washington Civil & Disability Advocate

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